UN Watch Rebuttal to the Pillay Commission's September 16, 2025 Conference Room Paper Titled: *Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide* (A/HRC/60/CRP.3)

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Introduction

Accusations of genocide are among the most serious charges that can be made against a state. They evoke the darkest episodes of modern history, such as the Holocaust, Rwanda, and Srebrenica, and they carry immense legal consequences as well as profound moral weight. For this reason, the Genocide Convention of 1948 sets a deliberately high bar: genocide requires specific intent (*dolus specialis*) to destroy, in whole or in part, a protected group "as such."[1] Genocidal intent is established only when there is no other reasonable inference. Evidence of widespread civilian casualties, extensive destruction, or inflammatory rhetoric does not suffice; what is required is proof that deaths and suffering were the result of a deliberate policy to exterminate a people. Establishing such intent is among the most difficult elements in international law, and the genocide allegation against Israel fails at this threshold even before considering the Report's distortions of its conduct in Gaza.

The UN Human Rights Council Commission of Inquiry's report is fatally deficient: its reasoning is deeply flawed, its evidentiary base unreliable, and its methodology unsound. It selectively misinterprets statements by Israeli leaders, accepts unverified Hamas casualty figures, disregards Hamas's systematic use of human shields, relies on unverified media reports (such as by *Al-Jazeera*), and assumes that civilian deaths in Gaza are only the result of deliberate targeting by Israel. Its omissions are equally striking. The report erases Hamas as an active belligerent; across its 72 pages, it never acknowledges that the IDF is engaged with a 30,000-strong fighting force that constructed a battlefield fortified with 500 kilometers of tunnels. Such deficiencies strip the document of legal credibility and render it indistinguishable from propaganda dressed in legal language.

[1] *Convention on the Prevention and Punishment of the Crime of Genocide*, 78 U.N.T.S. 277 (adopted December 9, 1948, entered into force January 12, 1951), https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

This rebuttal examines the central defects of the UN report (the "Report") issued by the Commission of Inquiry (the "Commission"). It shows why the evidence presented cannot sustain a finding of genocide under international law. A summary of its main deficiencies are as follows:

1. **Failure to prove *dolus specialis*:** The specific intent to destroy a protected group is the central and extremely high bar in any genocide case. The Commission's claim of genocidal intent fails on this threshold alone, relying on tortured parsing of statements, selective quotations, and conjecture rather than unambiguous evidence.
2. **Erasure of Hamas as a belligerent:** The report never acknowledges that the IDF is engaged in combat with an estimated 30,000-strong Hamas force in Gaza as well as thousands of fighters from other militant groups. A reader would come away believing the war has the IDF deployed against only women and children, with Hamas erased from the narrative. The Commission makes no attempt to analyze the war itself, because in its alternative version of reality, there is none.
3. **Silence on Hamas's military infrastructure:** There is no mention of Hamas's 17-year military buildup in Gaza, including its vast tunnel network, booby-trapped buildings, and massive arms buildup. By ignoring this reality, the report strips the conflict of its military context and recasts lawful military targets as evidence of genocide.
4. **Erasure of Hamas's use of civilian infrastructure:** The Commission ignores Hamas's openly acknowledged human shield strategy,[2] including its use of mosques, schools, residential buildings, and hospitals to conceal tunnels and weapons. Instead, damage to these sites is consistently portrayed as deliberate targeting of civilians by Israel.
5. **No recognition of the hostage crisis:** The report omits the fact that Hamas took Israeli hostages and continues to hold them, starve them,[3] and rape them.[4] This omission is consistent with the broader erasure of Hamas as an active actor in Gaza, removing essential context from the Commission's narrative.
6. **Reliance on Hamas-supplied fatality data:** Despite Hamas's long record of exaggerating civilian deaths and its status as a US and EU-designated terrorist organization, its figures are treated as fact while IDF data on combatants killed is ignored.

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[2] *How Hamas is fighting in Gaza: tunnels, traps and ambushes*, **NYT** (July 13, 2024), https://www.nytimes.com/2024/07/13/world/middleeast/hamas-gaza-israel-fighting.html.

[3] *World leaders condemn videos of emaciated Israeli hostages in Gaza as Red Cross calls for access*, **BBC** (August 4, 2025), https://www.bbc.com/news/articles/crr2dwn7q40o.

[4] *Hostages released from Gaza detail sexual violence as Israeli report concludes Hamas used it as 'weapon of war' on October 7*, **CNN** (July 8, 2025), https://www.cnn.com/2025/07/08/middleeast/hostages-gaza-sexual-violence-report-hamas-latam-intl; *A Quest for Justice: October 7 and Beyond*, **The Dinah Project** (June 2025), https://thedinahproject.org/wp-content/uploads/2025/07/The-Dinah-Project-full-report-A4-pages_web.pdf; *Mission report Official visit of the Office of the SRSG-SVC to Israel and the occupied West Bank 29 January – 14 February 2024*, **UN** (March 4, 2024), https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/03/report/mission-report-official-visit-of-the-office-of-the-srsg-svc-to-israel-and-the-occupied-west-bank-29-january-14-february-2024/20240304-Israel-oWB-CRSV-report.pdf.

7. **Civilian deaths distorted as evidence of genocide**: The report presents civilian casualties as prima facie proof of genocidal intent rather than as tragic and unavoidable consequences of urban warfare, exacerbated by Hamas's human shield strategy. The Report cites numerous incidents where civilians were killed as intentional and targeted acts by Israel without evidence.
8. **Normal wartime consequences treated as crimes:** Regular and expected wartime impacts on civilians, such as mental health impacts, difficulty accessing medical care and displacement, are depicted as evidence of genocide rather than inevitable outcomes of urban conflict.
9. **Urban devastation portrayed as extermination:** Large-scale damage is cited as proof of genocide, ignoring that urban combat inherently produces extensive destruction, particularly when military forces are embedded within civilian areas.

The Commission also ignores the obvious: the suffering of Gazans could be significantly reduced or even ended if Hamas released all hostages and relinquished control of Gaza. The idea that the population experiencing the claimed genocide has the power to stop it but refuses to is unprecedented in the history of actual genocides and exposes a deliberate blind spot in the Report. This omission mirrors the Commission's broader erasure of Hamas as an active party in the conflict, a group with agency and responsibility, leaving readers with the false impression that all suffering in Gaza is solely Israel's responsibility.

The Report is riddled with factual errors and assertions made with no credible evidence. A complete catalog of these mistakes and their corrections would be longer than the Report itself. This rebuttal highlights key factual errors and significant omissions that the Commission relies on to underpin its thesis of genocide.

Key Omissions in the Report

The report's fraudulence is most starkly revealed in its omissions. By erasing essential facts, it constructs a false reality. A reader new to the topic would never learn that on October 7, 2023, Hamas carried out a coordinated cross-border assault on Israel, murdering roughly 1,200 people in their homes, on the streets, and at a music festival, while kidnapping 251 men, women, and children.[5] The report does not mention that the attack involved systematic killings, torture, rape, and hostage-taking, executed with explicit genocidal intent against Jews as a people.[6] Instead, the report introduces the war with an Orwellian inversion: "On 7 October 2023, Israel launched

[5] *Hamas terrorist attacks on October 7: The deadliest day in Israel's history*, **France 24** (October 7, 2024), https://www.france24.com/en/middle-east/20241007-hamas-terrorist-attacks-7-october-deadliest-day-israel-history-anniversary.
[6] *What Hamas leaders actually want – in their own words*, **ISGAP** (February 7, 2024), https://isgap.org/flashpoint/what-hamas-leaders-actually-want-in-their-own-words/.

its military offensive in Gaza, which included airstrikes and ground operations." (Para. 20) In the Commission's telling, Hamas's massacre vanishes, and the war begins with *Israel*. (Note: Israel's ground invasion into Gaza began on October 27, 2023).

The word "Hamas" does not appear until page 8, paragraph 21, and then only to falsely claim that the IDF listed only 8,900 Hamas militants killed. Every other mention occurs solely in the context of Israeli claims about strikes on Hamas targets or statements by Israeli leaders. In this report, Hamas effectively does not exist. They are not portrayed as a fighting force, are not holding hostages, did not build a military infrastructure, are not engaging the IDF, do not control large parts of Gaza, and do not threaten Israel. There is no mention of their human shield strategy which has been well documented by NATO[7] and clearly evidenced in the current war.[8] Of course, Hamas is also absolved of all responsibility for taking care of Gazan civilians, such as by ensuring proper food distribution or providing shelter from military activity.

In a striking and a deliberate distortion, the first use of the word "hostage" in the report appears twenty-seven pages deep (Para. 85) and only to accuse *Israel* of wrongdoing: "The Commission has stated in a previous report that the Israeli authorities have shown their intent, as early as 9 October 2023, to instrumentalize the provision of basic necessities, including food, medicine, water, fuel and electricity, to hold the entire population of the Gaza Strip hostage." Outrageously, the report knowingly weaponizes this term against Israel while completely ignoring that Hamas captured and continues to hold Israeli civilians hostage, thus perpetuating the war.

One of the defining features of the Gaza war, Hamas's 500-kilometer tunnel network, is completely ignored. Consistent with the erasure of Hamas as an actor in Gaza, the word "tunnel" appears only *once* in passing in the midst of a 43,000 word document (Para. 95) in reference to an Israeli claim that it struck a tunnel. The word "rocket" never appears, despite over 13,000 fired by Hamas into Israel during this conflict,[9] as recently as September 2025.[10] Hamas's rocket threat has been one of the defining features of its decades' long attacks on Israel, but to the Commission, they are irrelevant. By erasing Hamas as the instigator of the October 7 attack, its

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[7] *Hamas use of human shields in Gaza: 2008-2014*, **NATO Strategic Communications Centre of Excellence** (June 6, 2019), https://stratcomcoe.org/publications/hybrid-threats-hamas-use-of-human-shields-in-gaza/87.

[8] *Hamas's human shield strategy in Gaza*, **Henry Jackson Society** (April 2025), https://henryjacksonsociety.org/wp-content/uploads/2025/05/HJS-Hamass-Human-Shield-Strategy-in-Gaza-Report-WEB.pdf; **Gaza chiefs brutal calculation: civilian bloodshed will help Hamas**, **WSJ** (June 10, 2024), https://www.wsj.com/world/middle-east/gaza-chiefs-brutal-calculation-civilian-bloodshed-will-help-hamas-626720e7.

[9] *A year of war: IDF data shows 728 troops killed, over 26,000 rockets fired at Israel*, **Times of Israel** (October 7, 2024), https://www.timesofisrael.com/a-year-of-war-idf-data-shows-726-troops-killed-over-26000-rockets-fired-at-israel/.

[10] *IDF intercepts one of two rockets fired from central Gaza toward border communities*, **Jerusalem Post** (September 7, 2025), https://www.jpost.com/israel-news/defense-news/article-866583.

kidnapping of civilians, its continued attacks against Israel, and its military infrastructure, the report constructs a false narrative in which Israel attacked Gaza for no plausible reason other than to kill Palestinian civilians. This is not oversight. It is deliberate misrepresentation, a conscious inversion of reality crafted to portray Israel as genocidal while erasing not only Hamas's atrocities, but also its continued attacks and ongoing operations.

Fabrication of *Dolus Specialis*

The Commission admits that the proving special intent to genocide requires a high bar of evidence, such that "genocidal intent is the only reasonable inference to be drawn." (Para. 160) Establishing *dolus specialis* is widely recognized as one of the most difficult and essential elements in any genocide case.[11]

Like NGO Amnesty International's admission it considered the established definition of genocide "overly cramped"[12] and Ireland's effort to "broaden" the definition,[13] the Commission similarly loosens its treatment of this aspect of genocide in the absence of unmistakable evidence of intent. But putting aside the legal discussion, the Commission fails in the actual evidence brought forth, once again using misrepresented and cherry-picked statements by Israeli leaders to "prove" intent. On this point alone, the genocide claim collapses, even before considering the Commission's distortions of Israel's actions in Gaza.

The Commission systematically over-parses and twists statements to manufacture "genocidal intent" where none exists. By its logic, any statement could be retroactively criminalized unless every word and pronoun is meticulously defined and every possible interpretation explicitly countered in real time by the speaker. Even when Hamas is clearly identified as the target, the Commission treats any ambiguity in adjacent words as evidence that innocent Palestinian civilians were truly the intended targets. The intellectual dishonesty is striking; the very need to contort ordinary language in this way demonstrates that no genuine intent exists.

This rebuttal will examine the falsified claims of genocidal intent by Prime Minister Netanyahu, then Defense Minister Gallant, and President Herzog. The Commission's report hinges on these statements, noting in their conclusion: "On incitement to genocide, the Commission concludes that Israeli President Isaac Herzog, Prime Minister Benjamin Netanyahu, and then Defense

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[11] *Definitions of Genocide and Related Crimes*, **UN** (Last visited September 16, 2025), https://www.un.org/en/genocide-prevention/definition.

[12] *Critics accused of quietly rewriting meaning of genocide to fling charges at Israel*, **Times of Israel** (September 3, 2025), https://www.timesofisrael.com/critics-accused-of-quietly-rewriting-meaning-of-genocide-to-fling-charges-at-israel/.

[13] *ICJ asked to broaden definition of genocide over 'collective punishment' in Gaza*, **Sky News** (December 12, 2024), https://news.sky.com/story/icj-asked-to-broaden-definition-of-genocide-over-collective-punishment-in-gaza-13271874.

Minister Yoav Gallant, have incited the commission of genocide and that Israeli authorities have failed to take action against them to punish this incitement." (Para. 253)

Statements by Netanyahu

The first piece of "evidence" of intent to genocide cited by the Commission (Para. 168) is a statement by Netanyahu: "all of the places which Hamas is deployed, hiding and operating in, that wicked city, we will turn them into rubble. I say to residents of Gaza: leave now because we will operate forcefully everywhere." Even the Report acknowledges that the statement refers to Hamas locations, yet it claims the phrase "wicked city" somehow implicates the entire population of Gaza for death by the IDF as national policy. It further asserts that because Netanyahu did not explicitly distinguish between combatants and civilians when referring to "residents," the term must be read as encompassing all Palestinians.

This is an absurd overreading, twisting a plain message that Hamas is the target and warning civilians of the impending assault into a genocidal manifesto. By the Commission's logic, a statement that explicitly directs civilians to leave for safety is somehow invalidated by a single adjective, "wicked," used only a few words later. Clear meaning is discarded and replaced with tortured speculation, as if intent can be conjured out of stray phrasing while context is ignored. The Report does not reveal intent; it manufactures it through linguistic contortions so extreme that almost any wartime statement could be repackaged as supposed proof of genocide.

The Commission further claims that Prime Minister Netanyahu's invocation of "Remember what Amalek did to you" on October 28, 2023, is evidence of genocidal intent. (Para. 228) This interpretation misrepresents the phrase's historical and cultural context. It originates from Deuteronomy 25:17, which instructs the Israelites to remember the attack by the Amalekites during their exodus from Egypt. It is a call to remember past injustices, not a directive for future violence. The Commission ignores this context and instead cites 1 Samuel 15:13, which discusses "destroying" Amalek; but this is not the verse Netanyahu invoked, making their interpretation demonstrably inaccurate.

Netanyahu's reference to Amalek aligns with a long tradition of emphasizing historical memory in the face of contemporary threats. His office clarified that the invocation was not an incitement to genocide but a description of the "utterly evil actions perpetrated by the genocidal terrorists of Hamas on October 7th and the need to confront them." Netanyahu himself called the distortion of the phrase "preposterous" and said it "reflects deep historical ignorance."[14]

[14] *PM's office says it's 'preposterous' to say his invoking Amalek was a genocide call*, **Times of Israel** (January 16, 2024), https://www.timesofisrael.com/pms-office-says-its-preposterous-to-say-invoking-amalek-was-a-genocide-call/?utm_source=chatgpt.com.

Furthermore, the phrase "Remember what Amalek did to you" is inscribed at Holocaust memorials, including Yad Vashem and the Holocaust memorial in The Hague,[15] as a testament to the importance of remembering past atrocities. The Commission's claim that such memorials somehow reflect genocidal intent by Jews is absurd. That its argument depends on parsing biblical language to allege genocide exposes the fundamental weakness of the Commission's case and turns scholarly interpretation into a tool for manufacturing evidence.

Statements by Gallant

The Commission cites Gallant's statement on October 9, 2023, that Israel was fighting "human animals" as evidence of genocidal intent. (Para. 169, 226) There is no indication that he was referring to anything other than Hamas, yet the Commission treats it as proof of intent against all Palestinians. As with the Netanyahu passage, the Commission assumes that unless every word and pronoun is exhaustively defined, the statement must be read as an order to "kill all Palestinians." This is the same intellectual contortion used across the Report to manufacture intent where none exists. The Commission even acknowledges (Para. 230) that the next day Gallant again used the term "human animals" and this time referred specifically to Hamas—but since the prior day he did not, it must mean all Palestinians.

On 10 October 2023, Gallant addressed Israeli security forces, stating: "Gaza won't return to what it was before. There will be no Hamas. We will eliminate everything. If it doesn't take one day, it will take a week. It will take weeks or even months, we will reach all places." (Para. 169, 226) Again, he is clearly speaking about Hamas, yet the Report treats this as evidence of a policy to exterminate Palestinians. Under that logic, any military statement that does not parse and qualify each term can be retroactively reinterpreted as an order to target civilians. Once more, the Commission invents intent by twisting military language into a supposed plan of annihilation.

The intense focus on these two statements by Gallant exposes the dishonesty of omission. A review of Gallant's X account[16] shows about 90 posts from October 7 to the end of 2023. Not a single post alluded to killing Palestinian people as such. There are at least 20 examples of posts explicitly indicating that the target of the war is Hamas alone. On October 7, Gallant's first live comment stated: "Hamas made a serious mistake this morning when it launched a war against Israel."[17] Not Palestinians. His next statement the same day: "The State of Israel will win this war, and Hamas will be held responsible for its actions."[18] Not Palestinians. On October 8 Gallant said: "Hamas has become the ISIS of Gaza. In this war, we are fighting against a murderous terrorist

[15] *So that they shall not be forgotten*, **Jewish Monument Foundation The Hague** (last visited September 16, 2025), https://joodsmonumentdenhaag.nl/en/#amalek.
[16] *@yoavgallant*, **X** (last visited September 16, 2025), https://x.com/yoavgallant.
[17] *@yoavgallant*, **X** (October 7, 2023, 10:24 AM), https://x.com/yoavgallant/status/1710556617119342882.
[18] *@yoavgallant*, **X** (October 7, 2023, 9:34 PM), https://x.com/yoavgallant/status/1710725208301093008.

organization that harms the elderly, women, and infants. We will strike it as one fights criminal terrorists, and we will prevail."[19] Not Palestinians. On October 11 he wrote: "Israel faced a barbaric attack by Hamas - targeting women, men, infants. Today we focus on destroying the 'ISIS' of Gaza and defending our citizens. The U.S. stands with us."[20] This pattern is consistent throughout his public record, before and after the "human animals" remark. The Commission ignores statement after statement where Gallant explicitly identifies Hamas as the target, not Palestinians. Reducing his entire record to two isolated quotes, in both cases with contorted interpretations, is not serious analysis. It is willful distortion designed to invent genocidal intent where none exists.

Statement by Herzog

The Commission cites a small portion of Herzog's statement on October 14, 2023: "it's an entire nation out there that is responsible. It is not true, this rhetoric about civilians who were not aware and not involved. It is absolutely not true"—as evidence of genocidal intent. (Para. 170, 227) The report presents this quotation in isolation, ignoring the surrounding context in which Herzog repeatedly emphasized that Israel is acting against Hamas while taking extensive measures to protect civilians.

For example, in the same press conference, Herzog explained that "The IDF uses all means at its disposal in order to reduce the harm to the population. For example, many resources are invested in gathering intelligence in trying to locate the enemy separately from civilian population, in evacuating the civilian population from the center of the battle, in warning civilians, in monitoring the humanitarian situation." But as usual for the Commission, any adjacent statement can be lifted in isolation, parsed as if nothing else was said, and treated as sufficient to meet the extraordinarily high bar for proving genocidal intent.

In response to the cherry-picked quote cited by the Commission, Herzog even clarified in the same press conference that he did not claim that all Gazans were responsible: "No, I didn't say that I did not say that I want to make it clear. I was asked something about separating civilians from Hamas. But with all due respect, with all due respect, if you have a missile in your goddamn kitchen and you want to shoot it at me, am I allowed to defend myself? Yes that is the situation. These missiles are there, these missiles are launched, the button is pressed, the missile comes up from the kitchen and onto my children."

By cherry-picking one line, the Commission ignores the broader context: Herzog was condemning Hamas's deliberate use of civilians as shields, not advocating harm to innocent people. Immediately made clarifications don't count either in this method of analysis. The report's

[19] *@yoavgallant*, **X** (October 8, 2023, 8:54 PM), https://x.com/yoavgallant/status/1711077679376568352.
[20] *@yoavgallant*, **X** (October 11, 2023, 1:26 AM), https://x.com/yoavgallant/status/1711870798112211207.

interpretation follows the same pattern seen with Netanyahu and Gallant—assuming that any statement not meticulously constrained must be read as intent to target civilians. In reality, Herzog's remarks reflect the challenges of defending Israel while adhering to international law, not a plan to commit genocide.

The Commission even admits that "the statement of President Isaac Herzog did not expressly call for the genocide of the Palestinian people in Gaza" and also notes that Herzog said: "there are many, many innocent Palestinians who don't agree" with actions of Hamas. (Para. 231) Nevertheless, it stretches any ambiguous wording to its breaking point, cherry-picking remarks that Herzog clearly explained, and elevating them to the "only" reasonable inference of genocidal intent. This is not impartial fact-finding but an exercise in forcing language to fit a predetermined narrative.

Even more fatal to the Commission's argument is its refusal to grapple with Herzog's far more extensive record of statements that directly contradict its claims. For example, in an October 15, 2023 interview Herzog said "We are never, never indifferent to the pain of the of our Palestinian neighbors and we always try to operate according to the basic guidelines of international law. We are trying to move these citizens away from the warzone in order so that we can go in and uproot that infrastructure of terror. But right now they're under the suppression of Hamas, and what we are trying to do is to move them to another safe zone so that they won't be hurt. we are taking our time, therefore, so that civilians will not be hurt."[21] In an op-ed published in *The New York Times* on November 5, 2023, Herzog wrote: "Even as Hamas fires hundreds of rockets at our cities and as our soldiers fall in battle, we're making an effort to give early warning to civilians with leaflets and phone calls, to move them out of the main battle zones and to enable humanitarian aid through Gaza's border with Egypt."[22] In a November 16, 2023 interview Herzog said: "…we are telling the people in the war zone, please leave your premise so that we can go in...I agree there are many civilians in Gaza who are innocent and not involved."[23]

When weighed against this broader record, the Commission's reliance on an isolated sentence that it even admits is not "genocidal" collapses. Herzog's consistent message is that Israel is targeting Hamas, not civilians, and is acting within international law while seeking to minimize harm. By erasing dozens of statements that directly contradict its claim, the Commission does not merely misinterpret evidence. It manufactures genocide allegations through deliberate

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[21] *Transcripts*, **CNN** (October 15, 2023), https://transcripts.cnn.com/show/cnr/date/2023-10-15/segment/03.

[22] *The President of Israel: This is not a battle just between Israel and Hamas*, **NYT** (November 3, 2023), https://www.nytimes.com/2023/11/03/opinion/isaac-herzog-israel-hamas-gaza.html?partner=slack&smid=sl-share.

[23] *@ANI*, **X** (November 16, 2023, 3:54 PM), https://x.com/ANI/status/1725150439945977919.

omission, a distortion that fatally undermines not only its credibility but the legitimacy of the entire Report.

Statement by Brigadier General David Bar Khalifa

The weakness of the Commission's evidence of genocidal intent by Israel is highlighted with its next piece of "evidence" (Para. 171) which is a handwritten letter to soldiers by Brigadier General David Bar Khalifa that says the following: "What has been will be no more! We shall go out to it in war, we shall pulverize every accursed plot of land from which it came, we shall destroy it and the memory of it… and we shall not return until it is annihilated, and [God] doth render vengeance to his adversaries, and doth make expiation for the land of His people… The Lord will give strength to his people, and He shall guard thy going out and thy coming in, from this time forth and forever. This is our war, today is our turn. Here we are!"

This handwritten, morale-building exhortation is not state policy. Field notes and battlefield rhetoric are often hyperbolic and intended to bolster morale, especially only weeks after the 10/7 Hamas attack. The passage speaks of "the enemy," "adversaries," and "accursed plot of land." It does not name "Palestinians" or order the destruction of a protected civilian group. A reasonable reading points to combatants and hostile Hamas infrastructure, not to a plan to exterminate civilians.

To treat an isolated, private note as proof of genocidal intent requires an interpretive rule that every untidy noun and every unqualified pronoun equals a state decision to destroy a people. That is not analysis but a contrived exercise in distorted proof by quotation. Genocidal intent, under law and common sense, is shown through coordinated policy, formal orders, and a consistent pattern of practice where genocidal intent is the only reasonable inference. Elevating one brigadier's battlefield rhetoric above actual orders, rules of engagement, legal reviews, and the wider record is a gross evidentiary distortion.

The weakness of the genocidal intent claim becomes even more obvious when considering the next examples the Commission cites: references to "vengeance" by an IDF Colonel, (Para. 173) an X video of soldiers dancing and singing "let your villages burn," (Para. 174) and comments by former intelligence officials on Israeli media. (Para. 175) By the Commission's absurd standard, every one of the estimated 300,000 soldiers and reservists in the IDF, and even former officials, would have had to monitor every word they spoke for months after October 7. Any casual or off-color remark that could be strained into an interpretation not explicitly limited to Hamas would then be treated as evidence of a nationwide plan for genocide. This is not evidence. It is a methodological farce that exposes the Commission's argument as built entirely on cherry-picking, distortion, and the impossible standard of policing private speech.

Reliance on Hamas Supplied Fatality Data

The report commits a fundamental information fallacy by treating Hamas-provided statistics and reports as reliable fact. Hamas has a long history of falsifying data in past conflicts,[24] routinely inflating civilian casualty figures[25] and failing to distinguish between combatants and noncombatants. It is a US and EU-designated terrorist organization whose primary objective is destroying Israel, not reporting truthfully. Yet the report accepts their numbers without verification, presenting them as indisputable evidence.

The Commission treats Hamas fatality data as undisputed fact (Para. 180-181). To inflate the reported number of civilian deaths relative to combatants, the report cites an absurd and erroneous claim that 83 percent of Gazans killed are civilians, based on the assertion that the IDF has only killed 8,900 combatants in Gaza (Para. 180). This figure comes from an unverified report in the fringe publication *+972 Magazine*[26] which has been thoroughly debunked.[27] The fundamental error is that the 8,900 number includes only Hamas combatants specifically identified by name by the IDF and does not account for fighters from other groups. All other combatants, at least 20,000 according to the IDF,[28] are then assumed to be civilians. The notion that any combatant not individually named must automatically count as a civilian is preposterous. Yet to the Commission, any data point that bolsters its accusation, no matter how methodologically flawed or absurd, is treated as verified evidence.

The reality obscured by the report is that the casualties in Gaza are heavily skewed toward men of combat age, which for Hamas begins in the teenage years.[29] Hamas's own fatality lists reveal that 72% of deaths among those aged 13 to 55, which is combat age, were males, directly contradicting claims of indiscriminate attacks on women and children.[30] Some statistics cited by the Commission inadvertently confirm this. For example, the Report notes that by the end of 2024, 4,500 amputations were reported in Gaza, of which 800 were children and 540 were

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[24] *Hamas admits 600-700 of its men were killed in cast lead*, **Ha'aretz** (November 9, 2010), https://www.haaretz.com/2010-11-09/ty-article/hamas-admits-600-700-of-its-men-were-killed-in-cast-lead/0000017f-ee02-ddba-a37f-ee6edc3f0000.

[25] *Editor's Note: Gaza hospital coverage*, **NYT** (October 23, 2023), https://www.nytimes.com/2023/10/23/pageoneplus/editors-note-gaza-hospital-coverage.html.

[26] *Israeli army database suggests at least 83% of Gaza dead were civilians*, **972 Mag** (August 21, 2025), https://www.972mag.com/israeli-intelligence-database-83-percent-civilians-militants/.

[27] *@Aizenberg55*, **X** (August 22, 2025, 4:52 PM), https://x.com/Aizenberg55/status/1958890065632879049.

[28] *How many Palestinians has Israel's Gaza offensive killed?* **Reuters** (July 29, 2025), https://www.reuters.com/world/middle-east/how-many-palestinians-has-israels-gaza-offensive-killed-2025-03-24/.

[29] *UN Watch Written Statement: Palestinian Child Soldiers*, **UN Doc. A/HRC/46/NGO/42** (March 5, 2021), https://www.un.org/unispal/wp-content/uploads/2021/03/AHRC46NGO42_050321.pdf.

[30] *Hamas terror outlet quietly cuts Gaza death count, reveals most killed were combat-age men*, **Fox News** (April 6, 2025), https://www.foxnews.com/world/hamas-terror-outlet-quietly-cuts-gaza-death-count-reveals-most-killed-were-combat-age-men.

women (Para. 53). That leaves 3,160, or 70 percent, as adult men. If IDF attacks targeted innocent women and children as the Report consistently claims, amputation would be closer to their share of the population (about 75%) versus the actual 30% rate.

Casualty counts in wartime are inherently difficult to verify, yet the Commission ignores credible analyses showing that the IDF's civilian-to-combatant ratio in Gaza is lower than in comparable urban battles against ISIS in Mosul.[31] Instead, it relies on unverified Hamas data[32] and flawed statistics from fringe outlets to support its claims. By treating these unreliable sources as definitive, the report systematically distorts reality, creating the illusion of indiscriminate targeting and civilian harm where none can be substantiated. This approach exposes the Commission's methodology as fundamentally flawed and its conclusions about genocide as baseless.

Fabricated IDF Attack on Al-Basma IVF Clinic

One of the central claims in the report is that the IDF intentionally struck the Al-Basma IVF clinic in December 2023, destroying 4,000 embryos. The Commission devotes seven paragraphs to this incident (Para. 57, 79, 151–154, 207), alleging that it was an act of "Imposing measures intended to prevent births within the group" and presenting it as evidence of genocide. This single incident anchors a key section of the report addressing measures aimed at restricting reproduction (Section D, page 47) and features in the false claim that Israel targeted Gaza's healthcare system. The idea that the IDF knowingly directed its forces to deliberately target an IVF clinic in order to destroy embryos and prevent Palestinians from procreating is a baseless accusation presented without a shred of proof.

The report's footnotes supposedly evidencing this incident lead nowhere. In Para. 57 and 79, it cites a prior document (A/HRC/58/CRP.6), but the paragraphs there (Para. 41 and 175) merely repeat the assertion that the IDF "intentionally attacked and destroyed the Basma IVF clinic which was the main fertility centre in Gaza," without evidence or sources. The current report goes further, claiming that through "visual analysis" of photographs, the Commission concluded the damage was "most probably a shell fired from an Israeli security forces tank." It then cites American *ABC News*,[33] which only reported that the clinic's director alleged an Israeli shelling, while noting Israel's spokesperson said the IDF was not aware of a strike on the building. Despite

[31] *On the ground in Gaza: What I saw of Israel's military operations*, **Forbes** (July 31, 2024), https://www.forbes.com/sites/davedeptula/2024/07/31/on-the-ground-in-gaza-what-i-saw-of-israels-military-operations/.
[32] *How the Gaza Ministry of Health fakes casualty numbers*, **Tablet** (March 7, 2024), https://www.tabletmag.com/sections/news/articles/how-gaza-health-ministry-fakes-casualty-numbers.
[33] *Over 4,000 IVF embryos destroyed in 1 shelling at Gaza's largest fertility center, director says*, **ABC News** (April 24, 2024), https://abcnews.go.com/International/4000-ivf-embryos-destroyed-1-shelling-gazas-largest/story?id=109350404.

the Report noting uncertainty about whether it was even an Israeli shell, the Commission still concludes "that the Israeli authorities knew that the medical centre was a fertility clinic and that they intended to destroy it. Therefore, the Commission concluded that the destruction of the Al-Basma IVF clinic was a measure intended to prevent births among Palestinians in Gaza." (Para. 152).

The Commission then makes the farcical claim that because five liquid nitrogen tanks inside the building exploded, the strike must have been a precise, deliberate attack. Yet the building, while damaged, still stands intact,[34] making the notion of targeting nitrogen tanks inside it implausible. Para. 153 adds even weaker "evidence": "the Commission also heard from a witness who testified that munitions experts consulted were able to conclude that the clinic had been 'under significant direct attack.'" The Commission admits it did not consult experts themselves, relying instead on vague hearsay from an unnamed witness.

The *ABC News* article cited by the Commission also offers no proof of an Israeli strike. It simply reported: "A single explosion resulting from an Israeli shelling in December destroyed more than 5,000 specimens in Gaza's largest and oldest IVF clinic, according to the director of the medical center." The Commission builds its entire case on this one source—the testimony to a media outlet by the clinic's medical director who cannot assess what kind of ordnance hit the building. Within the same article, another clinic director admitted, "We don't know if this was a deliberate targeting or not." The IDF stated it was unaware of a strike at this location, and the Commission itself cannot confirm whether it was even an Israeli shell.

The news reporting also highlights another major gap: the lack of a specific date. *ABC*, along with *Reuters* and *The Guardian*, published stories in April 2024 referring vaguely to "shelling in December," while the clinic director himself said only that there had been "shelling at Al Basma and the surrounding area in early December." The four-month delay, combined with the absence of forensic evidence and the reliance on second-hand testimony, makes the allegation even weaker.

To conclude, the Al-Basma IVF clinic accusation is one of the most sensational claims in the report, framed as evidence of genocide. Yet the only established facts are that the clinic sustained damage and embryos were lost. There is no verified date, no confirmed cause, no evidence that the IDF knew it was an IVF clinic, no evidence that it was specifically aware of nitrogen tanks within, and no evidence of intent. The possibility remains that it was the result of a misfired Hamas rocket, as in the well-documented Al-Ahli Hospital explosion in October 2023.[35] Even if IDF ordnance was involved, there is no evidence whatsoever that it was intentional. Like so many

[34] *Id*.
[35] *Revisiting the Gaza hospital explosion*, **NYT** (November 3, 2023), https://www.nytimes.com/2023/11/03/briefing/gaza-hospital-explosion.html.

of the Commission's charges, the allegation rests on speculation and recycled testimony, not actual proof.

Misrepresented IDF Attack on the European Hospital

The Commission claims that Israel pursued a "concerted policy to destroy the healthcare system of Gaza" (Para. 72), a core element of its genocide allegation, yet it offers no evidence to support this charge. It ignores Hamas's well-documented use of hospitals to conceal military assets and leadership and deliberately omits that IDF strikes targeted Hamas infrastructure within these medical facilities, not the hospitals themselves. This is one of the report's most egregious omissions, absolving Hamas of responsibility for weaponizing civilian sites and failing even to acknowledge this as a central reason healthcare facilities may have been harmed.

The falsification becomes even more blatant in the Commission's account of the Israeli strike outside the European Hospital that killed Hamas leader Mohammed Sinwar alongside other key operatives (Para. 95). The report notes that around May 13, 2025, the IDF released video footage of the strike on a tunnel network but initially labeled it as showing the nearby Jenin Secondary School for Boys.[36] While this initial mislabeling is true, the tunnel section under the European Hospital was publicly documented weeks later when international media toured the tunnels. The killing of Sinwar at this site is no longer disputed and has even been recently acknowledged by Hamas.[37]

Yet the Commission chose to end its discussion by claiming there was no military target and presenting the strike as evidence of a deliberate attack on healthcare. The fact that the IDF was targeting a senior Hamas leader embedded in a tunnel network under a hospital was widely available to the Commission months before publication. This deliberate omission, misrepresenting both the target and the context, ranks among the most egregious instances of fabrication in the report.

Unsubstantiated Claims of Actions Targeting Civilians

The UN report repeatedly asserts, without evidence, that Gazan civilians who were killed or wounded were deliberately targeted by the IDF. For example, it states, "Medical professionals told the Commission that they have treated children with direct gunshot and sniper wounds, indicating that the Israeli security forces have intentionally targeted children during their military operations in Gaza" (Para. 56 and similar claim in Para. 216). The report offers no evidence showing these children were shot by the IDF, let alone targeted deliberately. Claims that the IDF

[36] *@idfonline*, **X** (May 13, 2025, 11:32 PM), https://x.com/idfonline/status/1922389575374193062.
[37] *Hamas confirms death of its military leader Mohammed Sinwar*, **Reuters** (august 31, 2025), https://www.reuters.com/world/middle-east/hamas-confirms-death-its-military-leader-mohammed-sinwar-2025-08-30/.

sniper-targeted children have been made repeatedly in the past and never substantiated. The statements come from doctors and medical personnel who treat children in hospitals and have no knowledge of the circumstances of the shooting. The children could have been shot by Hamas, caught in crossfire, or accidentally struck by either side. Without definitive forensic investigation, attributing deliberate IDF intent is speculative.

The Report asserts that "the Israeli security forces have been targeting civilians directly and killing them in far larger numbers compared to previous conflicts, using weapons and munitions that caused many times the number of casualties" (Para. 180) — but once again, offers no evidence anywhere in the document of an intentional targeting of civilians, only the fact that many civilians have died. The Report similarly claims: "There is a clear pattern of conduct since 7 October 2023 showing that the Israeli security forces directly targeted children in different circumstances with the intention to kill them. In all the cases investigated by the Commission, none of the children posed any threat to the Israeli security forces." (Para. 218) The Commission claims that it "investigated" cases of such intentional acts intended to kill children, (Para. 214-216) yet does not offer the details of any investigation in the report — instead the report simply regurgitates unverified secondhand claims by doctors[38] and an *Al-Jazeera* report that relies on unverified testimony by family members claiming that IDF snipers killed two boys.[39]

The report makes a similar blanket statement with no evidence or citations: "Importantly, the Commission notes that, in many instances, soldiers also targeted and killed Palestinians during the evacuation process." (Para. 182) In fact, ample evidence shows Hamas prevented civilians from evacuating through threats and violence, precisely to increase civilian casualties.[40] None of this is reflected in the Report, which erases Hamas from the battlefield.

The Report devotes several sections to claims of 'sexual and gender-based violence' against Palestinian prisoners (Paras. 65–71, 209–213). These largely repeat allegations from a prior UN report (A/79/232, Paras. 62–69). A review of that report shows that the claims rest solely on unverified testimony, without sources in the key paragraphs, yet are framed as evidence of a systematic Israeli policy. While the IDF has charged five soldiers with aggravated assault and severe bodily harm to a prisoner at the Sde Teiman detention facility,[41] there is no evidence of

[38] *65 doctors, nurses and paramedics: what we saw in Gaza*, **NYT** (October 9, 2024), https://www.nytimes.com/interactive/2024/10/09/opinion/gaza-doctor-interviews.html.
[39] *Two brothers shot by Israeli forces in Khan Younis, white flag ignored*, **Al Jazeera** (January 29, 2024), https://www.aljazeera.com/news/2024/1/29/two-brothers-shot-by-israeli-forces-in-khan-younis-white-flag-ignored.
[40] *Israel says Hamas preventing Gaza City evacuation, but 70,000 have left anyway*, **Times of Israel** (September 3, 2025), https://www.timesofisrael.com/israel-says-hamas-preventing-gaza-city-evacuation-but-70000-have-left-anyway/.
[41] *IDF judge suggests mediation for soldiers charged with abusing Gaza detainee at Sde Teiman*, **Ha'aretz** (July 7, 2025), https://www.haaretz.com/israel-news/2025-07-07/ty-article/.premium/judge-proposes-5-

any systematic policy of such abuse as alleged by the Commission. This dishonest approach seeks to invert reality by portraying Israel as the perpetrator while ignoring Hamas's actual and documented use of sexual violence as a method of war.[42]

Claims of deliberate attacks against healthcare facilities and ambulances, not with the goal of hitting Hamas assets, but specifically to destroy healthcare in Gaza is another serious allegation made by the Commission but not backed by any evidence. (Para. 204-208) Numerous examples of strikes on hospitals are documented in the report, but none ever mention that they targeted Hamas operatives. For example, a strike on Nasser Hospital on May 13, 2025, is cited (Para. 95) but the report omits that the IDF struck two Hamas operatives.[43] Another 14 paragraphs (93-106) are devoted to documenting claimed attacks on medical facilities, but the usage of these facilities by Hamas are either not mentioned or dismissed. Once again, the Commission provides no evidence that Israel targeted hospitals to destroy healthcare infrastructure, while entirely omitting Hamas's extensive and documented use of medical facilities for military purposes.

Furthermore, the Report seemingly assumes, contrary to international law, that any civilian deaths in Gaza constitute a war crime and that those killed were deliberately targeted by Israel. For example, the Report states, "In its previous report, the Commission has found that the Israeli security forces had clear knowledge of the presence of civilians within areas or buildings that were designated as safe areas but nevertheless proceeded to launch their attacks" (Para. 58). The cited June 2024 report (A/HRC/56/CRP.4, para. 147) makes the same claim: "In relation to these attacks, the Commission has reasonable grounds to conclude that the ISF had clear knowledge of the presence of civilians within areas or buildings that were designated as safe areas but nevertheless proceeded to launch its attacks, in clear violation of international humanitarian law."

But the assertion that attacks are automatically illegal if civilians are present is false. International law permits attacks even when civilian casualties may occur, provided the principles of distinction and proportionality are respected. By ignoring this framework and treating all civilian deaths as criminal, the Report distorts the law and lays the foundation for its false claims of genocide.

The report also claims: "The Commission previously noted that the Israeli security forces had expanded their targeting systems to cause more widespread damage at the expense of civilians" (Para. 55). The cited source (Footnote 121) is a June 2024 UNHRC report (A/HRC/56/CRP.4, para.

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soldiers-accused-of-abusing-gazan-detainee-at-sde-teiman-enter-mediation/00000197-e49f-d615-ab9f-ed9f44680000.

[42] *Hamas used sexual violence as part of 'genocidal strategy', Israeli experts say*, **BBC** (July 8, 2025), https://www.bbc.com/news/articles/c1mz8gxzg82o.

[43] *Hamas operative described as 'journalist' eliminated in IDF strike on Gaza*, **FDD** (May 14, 2025), https://www.fdd.org/analysis/2025/05/14/hamas-operative-described-as-journalist-eliminated-in-idf-strike-on-gaza/.

156), which actually states: "Given Israel's statements attesting that militants are 'embedded' within the civilian population, the Commission interprets this statement as Israel de facto awarding itself blanket permission to target civilian locations widely in the Gaza Strip." That report (Footnote 118) in turn references a statement by IDF spokesperson Daniel Hagari,[44] which describes how "Hamas terrorists operate inside and under civilian buildings, precisely because they know the IDF distinguishes between terrorists and civilians," and notes that the IDF warns civilians to "move away from Hamas strongholds." Nowhere in Hagari's statement is there any mention of expanded targeting systems designed to increase civilian casualties, as the UN report claims. The UN's assertion that Hamas embedding within civilian areas automatically makes Israeli actions targeting civilians is a perversion of reality and a distortion of international law, which does not grant immunity to combatants who hide among civilians. This misrepresentation is buried under misquoted and misrepresented citations, giving the appearance of scholarship while fabricating the report's central claim.

Taken together, these examples demonstrate a consistent pattern. The Commission ignores evidence, repeats unverified allegations, and distorts international law in order to portray Israel as deliberately targeting civilians. In doing so, it fabricates a false narrative of genocide while erasing Hamas's responsibility for the conflict and its tactics.

Assumption that war itself is evidence of genocide

Much of the report catalogues the tragic consequences of the war for Gaza and its population. But civilian casualties, destruction, and trauma are the inevitable byproducts of armed conflict. They are not in themselves evidence of war crimes, wrongdoing by Israel, or genocide. To equate the universal hardships of war with genocidal intent is a fundamental distortion. Below are several examples:

The Report states that 735 IDF attacks "interfered with health services" and caused 917 fatalities, and the use of "lethal weapons" has resulted in "loss of limbs, traumatic brain injuries and damaged internal organs." (Para. 55). All of these events are the predictable consequence of intense urban warfare.

The Report catalogs the "serious mental harm" suffered by Palestinians in Gaza due to evacuations, searching for food, fear for safety. (Para. 75) Children face "post-traumatic stress, nightmares, flashbacks, sudden screaming in fear." No one denies that war causes trauma for civilians caught in it. But the Commission somehow twists the universal reality of wartime stress into "evidence of genocide."

[44] *@IDF*, **X** (October 29, 2023, 2:37 AM), https://x.com/IDF/status/1718426727288803524.

The Report claims that Israeli forces have "intentionally created an atmosphere of panic and terror and instilled extreme fear in the Palestinians in Gaza since 7 October 2023." (Para. 77) This assertion is absurd on its face. It erases Hamas entirely—the very group that on the day cited deliberately initiated the war by creating panic and terror, massacring, raping, and abducting Israeli civilians. The Commission takes the self-evident reality that war causes fear and suffering and twists it into "evidence" of genocide, a blatant distortion of both law and fact.

The Report documents the widespread destruction in Gaza, noting that many "Many of these locations were damaged or destroyed by airstrikes as well as tank and artillery shells." (Para. 87-92) It's as if the Commission is not familiar with the impact of urban warfare. It can only be evidence of genocide in their fabricated narrative.

The Report documents the hardships of displacement, (Para. 107-109, 200) which is certainly not in dispute, but another consequence of the war that Hamas started and continues to fight. The very fact of hardship due to displacement is not evidence of genocide.

These are only a few examples and the Report contains many more. By equating the devastation of war with genocide, the Commission distorts both fact and law and in doing so undermines the meaning of genocide itself.

The False Famine Narrative

The report devotes numerous paragraphs (110–126, 131-136, 190-203) to claims of a deliberately imposed humanitarian crisis and famine in Gaza, framing them as proof of genocidal intent. Yet the Commission never grapples with the data that directly contradicts its narrative:

- Since October 7, Israel has allowed over 2 million tons of aid into Gaza, including 1.6 million tons of food.[45] Based on WFP metrics, this is sufficient to meet the food needs of Gaza's population for 25 months.[46]
- Total deaths from malnutrition cited by the UN as of September 10, 2025, number only 404,[47] many of which were tied to pre-existing conditions rather than lack of food.[48] Relative to a population of roughly 2 million, these figures starkly undercut the claim of famine.

[45] *Humanitarian Efforts Israel*, **COGAT** (last visited September 16, 2025), https://gaza-aid-data.gov.il/mainhome.
[46] *State of Palestine*, **WFP** (Last visited September 16, 2025), https://www.wfp.org/emergencies/palestine-emergency.
[47] *Humanitarian Situation Update #321: Gaza Strip*, **OCHA** (September 10, 2025), https://www.ochaopt.org/content/humanitarian-situation-update-321-gaza-strip.
[48] *They became symbols for Gazan starvation. But all 12 suffer from other health problems*, **The FP** (August 18, 2025), https://www.thefp.com/p/they-became-symbols-for-gazan-starvation.

- The report notes that the IPC declared a famine in parts of Gaza on August 22, 2025 (Para. 124). According to IPC metrics, more than 4,300 starvation deaths should have occurred in the three weeks following the designation.[49] In reality, the UN reports only 135 deaths over that period — 97 percent less than expected.
- The IPC methodology has well-documented statistical and methodological flaws, further undermining its famine claims. The absence of mass mortality in the weeks following the famine designation confirms this point.[50]
- Significant evidence that hunger issues in Gaza are related to theft and hoarding by Hamas (after some claims this was not the case, a BBC investigation on August 6, 2023 confirmed that Hamas seized significant quantities of aid)[51] as well as looting by gangs who resell food at exorbitant prices.[52] Even the UN admitted that 87% of its aid trucks were looted before reaching their final destinations.[53]

The Commission presents a picture of mass starvation, yet the facts tell a different story: there is no famine, no systemic starvation, and no evidence of food denial as a weapon of genocide. Gazans are certainly enduring hardship and food insecurity, but these are the tragic realities of war, not proof of genocidal intent.

Failure to Address The Hamas Militarization of Civilian Sites

One of the Report's most glaring flaws is its refusal to acknowledge Hamas's systematic and well-documented use of human shields.[54] The report catalogs destruction of homes, schools, mosques, hospitals, agricultural sites and other civilian infrastructure, but never notes that many of these locations were militarized by Hamas. International law is clear: armed groups may not place military assets where civilians are present in order to shield them from attack.[55] Yet that is

[49] *@Aizenberg55*, **X** (September 12, 2025, 4:35 PM), https://x.com/Aizenberg55/status/1966495888051761582.
[50] *Politics Disguised as Science, Systematic distortions in the IPC's Gaza report of August 25*, **COGAT and Israeli MFA** (September 11, 2025), https://www.gov.il/BlobFolder/news/systematic-distortions-in-the-ipc-s-gaza-report-of-august-25/en/English_MISC_FINAL%20TABLE.pdf.
[51] *The secret system Hamas uses to pay government salaries*, **BBC** (August 6, 2025), https://www.bbc.com/news/articles/c1kz42j92jmo.
[52] *Gangs and merchants sell food aid in Gaza, where Israel's offensive has shattered security*, **AP** (July 29, 2025), https://apnews.com/article/israel-palestinians-hamas-war-aid-un-ghf-567c5bffd5d7ae4cc54ea0816a159f8f.
[53] *As Israel faces blame for the hunger crisis in Gaza, UN's own data shows most of its aid is looted*, **Fox News** (August 4, 2025), https://www.foxnews.com/world/israel-faces-blame-hunger-crisis-gaza-uns-own-data-shows-most-its-aid-looted.
[54] *Hamas's Human Shield Strategy in Gaza*, **Henry Jackson Society** (May 4, 2025), https://henryjacksonsociety.org/publications/hamass-human-shield-strategy-in-gaza/.
[55] Article 51 of *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977*, https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-51.

Hamas's entire war doctrine. By completely and deliberately erasing this reality, the UN presents every damaged building and every civilian harmed or killed as if it were an indiscriminate strike against civilians, when in reality many were militarized sites that Israel was legally permitted to target. Here is a sample of Hamas's militarization of Gaza omitted from the report:

- Tunnels built under the UNRWA headquarters in Gaza;[56]
- Tunnels built under children's bedrooms;[57]
- A 200-meter long tunnel built below Al-Shifa Hospital;[58]
- Tunnel built under the emergency room of the European Hospital;[59]
- The detention and sexual assault of hostages at Nasser Hospital;[60]
- Tunnel shafts built inside mosques;[61]
- Storage of weapons under children's beds, as a Hamas official admitted;[62]
- Booby-traps placed by Hamas in residential apartments;[63]
- Firing RPGs from residential apartments;[64]
- Firing an RPG in front of the Al-Quds Hospital;[65]
- Schools used by Hamas operatives as shelters;[66]
- Use of humanitarian zones by Hamas operatives, such as Mohammed Deif;[67]
- Firing of rockets at Israel from humanitarian zones;[68]

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[56] *Hamas military compound found beneath U.N. agency headquarters in Gaza*, **WSJ** (February 10, 2024), https://www.wsj.com/world/middle-east/hamas-military-compound-found-beneath-u-n-agency-headquarters-in-gaza-7e29c758.

[57] *Sky News enters 'flattened' Rafah, witnessing tunnels under kid's bedrooms*, **Sky News YouTube** (September 14, 2024), https://www.youtube.com/watch?v=PQEHw3MlDck.

[58] *Al-Shifa hospital has been at the center of a debate over whether Hamas is using medical facilities as a cover*, **NYT** (February 12, 2024), https://www.nytimes.com/interactive/2024/02/12/world/middleeast/gaza-tunnel-israel-hamas.html.

[59] *The tunnel that leads underneath a hospital in southern Gaza*, **NYT** (June 8, 2025), https://www.nytimes.com/2025/06/08/world/middleeast/gaza-hospital-tunnel.html.

[60] *Ex-hostage tells UN Security Council of sexual assault, starvation in struck Gaza hospital*, **Times of Israel** (August 27, 2025), https://www.timesofisrael.com/ex-hostage-tells-un-security-council-of-sexual-assault-starvation-in-struck-gaza-hospital/.

[61] *IDF Underneath Terrorist Tunnel Hidden in #gaza #mosque*, **News9 Live YouTube** (December 31, 2023), https://www.youtube.com/watch?v=ossLhX4eQhM.

[62] *How Hamas is fighting in Gaza: tunnels, traps and ambushes*, **NYT** (July 13, 2024), https://www.nytimes.com/2024/07/13/world/middleeast/hamas-gaza-israel-fighting.html.

[63] *@IDF*, **X** (June 1, 2024, 9:28 PM), https://x.com/IDF/status/1796972140765348346.

[64] *@jonelmer*, **X** (December 12, 2024, 4:01 AM), https://x.com/jonelmer/status/1867026856333152474.

[65] *@IDF*, **X** (November 13, 2023, 3:22 PM), https://x.com/IDF/status/1724055160471564623.

[66] *Unwilling to be human shields, some Gazans turn gunmen away from shelters*, **NYT** (September 10, 2024), https://www.nytimes.com/2024/09/10/world/middleeast/airstrikes-gaza-school-shelters-hamas.html.

[67] https://x.com/Israel/status/1818950969415049596.

[68] *IDF says it hit Gaza rocket launchers near humanitarian shelters, after moving civilians*, **Times of Israel** (April 8, 2024), https://www.timesofisrael.com/liveblog_entry/idf-says-it-hit-gaza-rocket-launchers-near-humanitarian-shelters-after-moving-civilians/.

- Firing of rockets at Israel from cemeteries;[69]
- Firing of rockets at Israel from within tents in humanitarian zones.[70]

Conclusion

The Commission erases the horrors of October 7, the ongoing suffering of Israeli hostages, and Hamas's systematic exploitation of civilians, while inflating unverified claims into a genocide narrative. It misrepresents intent by wrenching Israeli leaders' words out of context, twisting ambiguous or adjacent statements into proof of genocidal purpose. It further assumes that every civilian death in Gaza must be the result of deliberate Israeli targeting, even when no evidence is presented and Hamas's tactics of embedding fighters in civilian areas are ignored. In place of actual analysis, the Commission substitutes conjecture, inversion, and erasure.

This distortion does more than slander Israel. By erasing Hamas's crimes and projecting them onto Israel, the Commission turns reality upside down. Nowhere is this clearer than in its treatment of hostages: the abduction and abuse of Israeli civilians by Hamas disappears, while the very term "hostage" is perversely redeployed to accuse Israel of holding Palestinians hostage. In abandoning evidence and inverting responsibility, the Commission undermines both truth and law.

[69] *@IDF*, **X** (January 14, 2025, 4:56 PM), https://x.com/IDF/status/1879180898610168178.
[70] *@Osint613*, **X** (November 17, 2024, 5:44 PM), https://x.com/Osint613/status/1858174390820581802.